

CLIENT: \_\_\_\_\_  
Print Clearly: Last Name First Name Middle Name

**NAVAL LEGAL SERVICE OFFICE NORTHWEST  
ESTATE PLANNING/WILL QUESTIONNAIRE**

Bremerton (360) 476-1003, Bangor (360) 396-6003, Everett (425) 304-4551, Whidbey (360) 257-2126

**(THIS IS NOT A WILL! You must consult an attorney before you receive a will.)**

OFFICE USE ONLY: Date received: \_\_\_\_\_ Date drafted: \_\_\_\_\_ Date executed: \_\_\_\_\_  
DL Index # \_\_\_\_\_ Is SGLI form to be provided Yes No

**PRIVACY ACT STATEMENT:** Individuals seeking legal assistance are requested to provide personal information. The authority for soliciting and maintaining this information is found in 5 U.S.C. section 301 and 44 U.S.C. section 3101. The information you provide will be used by the personnel of this legal office to assign an attorney to you, to prepare estate-planning documents and to provide periodic workload productivity and statistical reports. The information you are requested to provide is solicited on a voluntary basis, however, failure to provide the requested information could result in this office being unable to provide the services requested.

Your attorney will discuss four types of estate planning documents and prepare the ones you need.

1. A Will is a written document that allows you to determine how your assets and property subject to probate will be distributed upon your death. It also allows you to determine who will be responsible for the care of your minor children and the management of their money should both you and your spouse die.
2. A Living Will is a written document that states what you want or do not want to happen if you are in a terminal illness. You can express your wishes regarding organ donation and use of life sustaining procedures [such as artificially provided nutrition and hydration]
3. A Medical Power of Attorney is a written document you can use to appoint someone to make health care decisions for you if you are incapacitated and you cannot make them for yourself. You make your own decisions as long as you can and the person you appoint makes the decisions after you are incapacitated.
4. A Durable General Power of Attorney is a written document that you can use to appoint someone to make personal and financial decisions for you on a long term basis if you are incapacitated or missing. Usually this becomes effective beginning when you are not able to make decisions for yourself and continues in force as long as you remain incapacitated.

**Notes:** You may need a Special Power of Attorney (to appoint someone to do a specific task) or a General Power of Attorney (that is effective immediately and expires within one year, typically for deployment). If you need one of these ask the person at the front desk.

Please provide information regarding your assets on the last page. This is requested to identify persons who need tax planning advice. If the total value of your estate, including life insurance and property you and your spouse own together, is large you may need specific planning to deal with state and federal estate taxation (in 2006 to 2008 you may give \$2,000,000 free of federal estate tax but state limits may be lower and the federal tax free amount is scheduled to be reduced in 2011 unless Congress acts). We also wish to identify how your property is owned and provide you instruction on death transfers of jointly owned property, retirement plans and life insurance which are not governed by your will.

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TUESDAYS and THURSDAYS  
BY APPOINTMENT ONLY**

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**DISTRIBUTION OF PROPERTY:** How is your property to be disposed of at your death? Will you make specific gifts to go to specific persons? A specific gift gives identified property to specific individual [for example, "my jewelry to my daughter"]. Show your specific gifts, if any, on this page. No such gifts are required.

After you have made any specific gifts, you give the rest, the remainder, to one or more individuals. Show the remainder beneficiaries on the next page of this questionnaire. This is generally done in percentages [for example "all to my spouse" or "equal shares to my children" or "60% to John Doe and 40% to Jane Smith"].

• Do you own a **family business or farm** to be disposed of under the will? Yes No  
(If you have a business or farm you may need to see a civilian attorney specializing in estate planning.)

• Do you have any **real estate** that needs to be disposed of under the will? Yes No

Address of property: \_\_\_\_\_

To whom is the real estate to be given? \_\_\_\_\_ Relationship: \_\_\_\_\_

• Do you have any **specific bequests of personal property** to specific individuals: Yes No

If you have specific bequests of property that you want to be listed in your will, please list:

1. I give \_\_\_\_\_

to \_\_\_\_\_ Relationship: \_\_\_\_\_

2. I give \_\_\_\_\_

to \_\_\_\_\_ Relationship: \_\_\_\_\_

• **Personal Property Memorandum**

(Note: If you are a resident of **Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, South Carolina, South Dakota, Utah, Virginia, Washington, or Wyoming**, you may use a Personal Property Memorandum instead of identifying all specific gifts in your will. A Personal Property Memorandum is a separate document listing specific gifts of tangible personal property – not real estate or intangible personal property such as stocks, bonds, or bank accounts. If your will mentions an intent to have such a memorandum, then that memorandum may be changed at any time by you without further legal consultation or the need to adhere to the formalities of traditional will execution.)

• Do you wish to use a **Personal Property Memorandum** Yes No

• Do you wish to make any **cash bequests**? Yes No

1. \$ \_\_\_\_\_ to \_\_\_\_\_

2. \$ \_\_\_\_\_ to \_\_\_\_\_

• ***NOTE: If you are married we will assume that you intend to give your property to your spouse if he or she survives you and that the specific gifts and/or gifts by memorandum mentioned on this page are to be given to the named person only if your spouse does not survive you. If that is not correct please explain your wishes:*** \_\_\_\_\_  
\_\_\_\_\_

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• **Remainder bequests** (any remaining portion of your estate not specifically disposed of above):

\_\_\_\_\_ All to your surviving spouse\*, but if your spouse dies before you, then in equal shares to your surviving children and if you have a deceased child then his or her share goes to his or her children (your grandchildren) if any. This is “per stirpes” (or “by representation”), you may see that phrase in your will.

\_\_\_\_\_ All to your surviving spouse\*, but if your spouse dies before you, then in equal shares to your surviving children only. If you have a deceased child then his or her children receive nothing. This is “per capita”, You may see that phrase in your will. IF THIS IS SELECTED, then if none of your children are surviving but you do have grandchildren shall the estate then pass to your grandchildren, per capita? Yes No

\_\_\_\_\_ All to your surviving children, per stirpes (or “by representation”) (see definition above)

\_\_\_\_\_ All to your surviving children “per capita” (see definition above)

\_\_\_\_\_ All to other beneficiaries: Name(s): \_\_\_\_\_  
Relationship to you: \_\_\_\_\_

\* **NOTE:** You should know that when all is given to the surviving spouse, he or she could change his or her will at a later date and make no gifts to your children by a prior marriage. If you wish to set aside a portion of your estate or some of your life insurance as a gift direct or in trust to such children before giving the remainder of your estate to your spouse. Check here if you wish to discuss this with your attorney: \_\_\_\_\_

• **Is the will to disinherit anyone (to the extent permitted by law)? If so, who (name)?** \_\_\_\_\_

• **If all the beneficiaries named above predecease you, is there an alternate beneficiary?** Yes No  
IF YES please complete the following:

Alternate Beneficiary’s full name: \_\_\_\_\_ Relationship to you: \_\_\_\_\_  
Portion of estate to this person (circle one): 100% 50% Other \_\_\_\_\_%  
If he/she does not survive you then his/her share will go to whom: \_\_\_\_\_  
(for example: to the person’s children, to the other alternate beneficiaries listed here or to another person)

Alternate Beneficiary’s full name: \_\_\_\_\_ Relationship to you: \_\_\_\_\_  
Portion of estate to this person (circle one): 100% 50% Other \_\_\_\_\_%  
If he/she does not survive you then his/her share will go to whom: \_\_\_\_\_  
(for example: to the person’s children, to the other alternate beneficiaries listed here or to another person)

List others on back or separate page.

**EXECUTOR:** The EXECUTOR, also referred to as the PERSONAL REPRESENTATIVE, is the person you wish settle your affairs and to handle the distribution of your estate after your death. This person must be an adult. List your first choice (usually your spouse) and at least one Alternate in the event the first person is unable to serve. Local law may require that the person be a resident of the state in which you reside (In Washington a non-resident may serve if he or she appoints a local resident agent to receive service of legal papers).

First Executor Name: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Alternate Executor: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Next Alternate Executor: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

NOTE: The Alternate Executor will serve if the prior designated person(s) cannot serve. We recommend this.. If you want to have Co-Executors (who must agree on all actions) check here \_\_\_\_ and discuss with your attorney.

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**TRUSTS FOR CHILDREN:** If your children are minors upon your death and receive your estate, or in the case that any portion of your estate rests in some other minor, the estate is normally held by a trustee in trust. A trust is a legal device that holds and manages assets for the health, support and education of the minor children. The child's share should be given to him/her when the child reaches a certain age [minimum 18].

- **Select the age at which you want the trust to end and the remaining assets distributed to the child:**

\_\_\_\_\_ (18) eighteen                      \_\_\_\_\_ (21) twenty-one  
\_\_\_\_\_ (25) twenty-five                      \_\_\_\_\_ (30) thirty  
\_\_\_\_\_ 1/2 at twenty-one and 1/2 at twenty-five (or any other ages)  
\_\_\_\_\_ 1/3 at twenty-one, 1/3 at twenty-five, and 1/3 at thirty  
\_\_\_\_\_ 1/3 at twenty-five, 1/3 at thirty, 1/3 at thirty-five

- **Trusts for children should be in**

\_\_\_\_\_ a single trust for all children (the trustee pays for children's needs as they arise, equal spending on each child is not required, balance of trust fund distributed when youngest child reaches specified age, one annual income tax return) or,

\_\_\_\_\_ a separate trust for each child (after trust is funded each child's needs must be paid for out of his or her separate share; the youngest child or one with special needs may have less when trust ends, an annual income tax return is needed for each trust).

- **Trustee for child (ren)'s money:**

First Trustee Name: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Alternate Trustee: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Next Alternate Trustee: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

NOTE: The Alternate Trustee will serve if the prior designated person(s) cannot serve. We recommend this. If you want to have Co-Trustees (who must agree on all actions) check here \_\_\_\_\_ and discuss with your attorney.

- **SGLI Insurance:** Discuss beneficiary designation for insurance with your attorney.
- **Other Trustee:** If you need a trust in your will for some other purpose, such as a trust for tax protection in large estates or for a disabled beneficiary, discuss this with your attorney. If that applies to you please indicate the trustees for the other trust: \_\_\_\_\_.

**GUARDIAN FOR CHILDREN:** A guardian is the person who will care for your children after the death of both parents. The guardian does not need to be the same person as the Trustee, although it could be. If you name different trustees and guardians, you should consider how these two people would be able to interact concerning the needs of your children.

First Guardian Name: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Alternate Guardian: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Next Alternate Guardian: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

NOTE: The Alternate Guardian will serve if the prior designated person(s) cannot serve. We recommend this. If you want to have Co-Guardians (who must reside together) check here \_\_\_\_\_ and discuss with your attorney.

Note: A married couple could be appointed co-guardians.

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## **LIVING WILL AND MEDICAL POWER OF ATTORNEY:**

A **living will** is a directive that life-sustaining treatment shall be withheld or withdrawn if you are in a terminal condition or permanent unconscious condition.

- Do you wish to have a living will?    Yes        No

A **medical power of attorney** allows a specific person you name to make decisions about all aspects of your medical care if you are unable to do so on your own. This power includes medical treatment involving conditions that are not terminal or resulting in permanent unconsciousness. We call the person you name your “**medical agent**.”

- Do you wish to have a medical power of attorney?                      Yes        No  
(If Yes then provide the person’s name below where indicated)

**In either or both documents, you may also direct the withdrawal of artificially provided nutrition and hydration (food and water provided by intravenous or nasal tube).**

- Do you also authorize the withdrawal of artificially provided hydration and nutrition?        Yes        No  
(Note: If the response is No then your document will say: “I expressly do not authorize the withdrawal....”)

**In either or both documents, you may also consent to the donation of your organs for transplant or other scientific and medical research purposes**

- Do you wish to donate organs?    Yes    No    If Yes, then for:    Transplant Only    Research Only    Both

Indicate if only **specific** organs are to be donated: \_\_\_\_\_

- **In both documents you can insert special instructions.** Do you have other special instructions?    Yes    No

If yes, describe: \_\_\_\_\_

- Do you prefer to die at home rather than in a hospital if medically acceptable?        Yes        No

• **If you indicated you want a medical power of attorney then:**

**Who do you wish to appoint as your decision maker under a MEDICAL POWER OF ATTORNEY?**

Who do you appoint?    \_\_\_\_\_ My Spouse    or    Other (name): \_\_\_\_\_  
Relationship to you: \_\_\_\_\_

Address of medical agent: \_\_\_\_\_

Phone number of medical agent: \_\_\_\_\_

Alternate Medical Agent (name): \_\_\_\_\_

Relationship to you: \_\_\_\_\_

Address of alternate medical agent: \_\_\_\_\_

Phone number of alternate medical agent: \_\_\_\_\_

NOTE: The Alternate Medical Agent will serve if the prior designated person cannot serve. We recommend this. If you want to have Co-Medical Agents (who must agree on all things) check here \_\_\_\_ to discuss with your attorney.

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**DURABLE (GENERAL) POWER OF ATTORNEY:** A durable general power of attorney (DPOA) allows an agent (your "attorney -in-fact" ) to manage the personal and financial affairs of an individual after an individual becomes disabled or incapacitated (or POW/MIA for active duty personnel). It remains effective as long as the individual is disabled or incapacitated. (A general power of attorney, that is, without the "durable" provision, terminates upon the disability or incapacity of the individual or on a specified date. See page one for discussion of other kinds of powers of attorney)

Do you wish to have a durable general power of attorney?    Yes    No

Power to be given to:    Spouse    or    Other (name): \_\_\_\_\_  
Relationship to you: \_\_\_\_\_

Address of attorney-in-fact: \_\_\_\_\_

Alternate attorney-in-fact (name ): \_\_\_\_\_  
Relationship to you: \_\_\_\_\_

Address of alternate attorney-in-fact: \_\_\_\_\_

NOTE: The Alternate attorney-in-fact will serve if the first designated person cannot serve. We recommend this. If you want to have attorneys-in-fact (who must agree on all matters) check here \_\_\_\_ and discuss with your attorney.

In addition to general powers, do you wish the attorney-in-fact to be able to:

\_\_\_\_\_ Handle tax matters [recommended]

\_\_\_\_\_ Be able to sell or transfer a specific piece of real estate. Address: \_\_\_\_\_

\_\_\_\_\_ Make gifts in your name limited to \$11,000 per year (the amount of the annual gift tax exclusion) for estate planning and gifting purposes to a limited class consisting of your spouse and children [usually not appropriate unless you have a large taxable estate or have an existing program of gifting that you want your attorney-in-fact to continue].

\_\_\_\_\_ Make gifts in your name exceeding the amount of the annual gift tax exclusion if made for educational or medical purposes [usually not appropriate unless you have a large taxable estate or have an existing program of gifting that you want your attorney-in-fact to continue].

\_\_\_\_\_ Make transfers/additions to retirement plans

**FUNERAL ARRANGEMENTS:** We recommend you visit a licensed funeral director and complete a "pre-need" worksheet. Such a prearrangement does not require prepayment but it should be on file with the funeral director. If this is done then your wishes will be honored. If not, your nearest kin will decide for you. Some people may want to include information in their will concerning their desires. We will do that if you wish but it is no substitute for a prearrangement form signed by you and either prepaid or filed with a licensed funeral director.

Do you wish funeral arrangements included in your will?    Yes    No (there will be no mention in your will)

Do you wish to be:    \_\_\_\_\_ Cremated;    \_\_\_\_\_ Buried at Sea;    \_\_\_\_\_ Buried

At a specific location? \_\_\_\_\_ With military honors?    Yes    No

Other: \_\_\_\_\_

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